

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

EDWARD D. RODGERS, II,

Plaintiff,

v.

KELLIS THOMPSON and DR.
CHRISTOPHER MONTGOMERY,

Defendants.

Case No. 1:23-cv-00077-SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's eighth Motion for Court Appointed Attorney. [Doc. 108]. There is no constitutional or statutory right to appointed counsel in civil cases. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim...and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel. *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant facts such as the factual complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, the complexity of the legal arguments, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

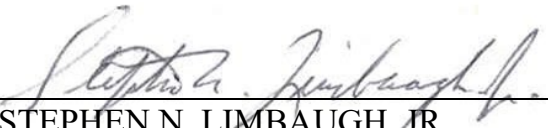
Plaintiff contends that he now needs counsel because of the stage of this case and the proceedings being too complicated and complex for him to keep up with defense

counsel. However, up to this point, plaintiff has continued to fairly and adequately represent himself by filing motions, memorandums in response, and motions requesting documents he believes are necessary for presenting his case. There is no evidence or indication in the record that plaintiff is unable to investigate or present his case. Most indigent prisoners will face some challenges in bringing § 1983 claims but, this does not entitle them to appointed counsel. *Patterson*, 902 F.3d at 850. Plaintiff's pleadings and motions evidence his ability to present his case and convey relevant information to the Court. After reviewing the relevant factors, the Court finds that appointment of counsel is not warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Court Appointed Attorney [Doc. 108] is **DENIED**.

Dated this 16th day of September, 2025.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE